

April 22, 2010

Legislation Would Expand Radiation Exposure Compensation Act

Washington, DC – Today, Rep. Ben Ray Luján introduced the Radiation Exposure Compensation Act (RECA) Amendments Act of 2010 in the House of Representatives. The legislation will expand compensation for those affected by uranium mining and nuclear testing. On Monday, Senator Tom Udall led a bipartisan group of Senators to introduce the legislation in the Senate. The legislation extends compensation to those exposed to radiation from December 31, 1971 to December 31, 1990; makes all claimants eligible for an equal amount of compensation (\$150,000) regardless of whether they are workers, miners, or downwinders; expands the definition of downwind test sites; and extends compensation to cover more workers and claimants.

“Communities throughout New Mexico are still reeling from the legacy of uranium mining,” said Representative Ben Ray Luján. “We must continue to fight for these Americans who have been impacted but unable to receive compensation for their suffering. This legislation takes important steps to compensate workers, families and neighbors affected by uranium mining and nuclear testing--finally recognizing the sacrifices of many that have been invisible.”

[Senator Tom Udall led the effort to introduce the Radiation Exposure Compensation Act \(RECA\) Amendments Act of 2010 in the Senate. He was joined in his effort by Senator Jeff Bingaman and a bipartisan group of Senators.](#)

“For decades, families in the West have borne the cost of our nation’s build up to the Cold War with their lives,” said Senator Tom Udall, who authored the new RECA legislation. “Some worked with uranium in poorly ventilated mines and took their contaminated clothing home for laundering in spaces they shared with their spouses and children. Others simply lived in the paths of radioactive fallout from tests, like those conducted at the Trinity Site in New Mexico. They unwittingly became victims at the hands of their very own government and we have a responsibility to bring them justice.”

“The time has come to improve upon RECA by expanding it to more Americans who were hurt because of their exposure to uranium. I’m glad this bill adopts my provision to extend RECA to New Mexicans who lived near the Trinity site and whose health suffered for it,” said Senator Jeff Bingaman, who worked on the original RECA law in 1990 and the law that updated and improved it a decade later.

Representatives Martin Heinrich and Harry Teague are two of eight original cosponsors in the House of Representatives.

“American uranium miners worked hard and made sacrifices for their nation during the Cold War,” said Representative Martin Heinrich. “We owe it to those workers and their families to be compensated for any resulting health impacts.”

“The federal government needs to stand up and take responsibility for the work related health issues of the American uranium mine workers that during a time of war stepped up to serve our nation and protect our national security,” said Representative Harry Teague.

The RECA Amendments Act of 2010:

- Makes all claimants eligible for medical benefits (equivalent to EEOICPA medical expense compensation.) Current compensation is \$50,000 for downwinders or \$75,000 for onsite participants, while federal employees, miners and millers receive a lump sum of \$150 through RECA and EEOICPA together.
- Expands downwind test sites to include the Trinity Test Site and tests in the Pacific--including New Mexico, Nevada, Arizona, Idaho, Colorado, Idaho, Montana, Utah, and Guam. Currently compensation is only granted to those downwind of the Nevada Test Site.
- Extends compensation to employees of mines and mills who were employed until December 31, 1990 (year of enactment of RECA.) The current final compensable date is December 31, 1971.
- Adds core drillers to the list of compensable employees .
- Adds renal cancer, or any other chronic renal disease (including nephritis and kidney tubal tissue injury), to the list of compensable diseases for employees of mines and mills. Currently millers and transporters are covered for kidney disease, but miners are not.
- Allows claimants to combine work histories to meet the requirements of the legislation (e.g., currently, individuals who worked half a year at a mill and half a year in a mine would be eligible for compensation. The Department of Justice currently makes some exceptions for this, but there is no legislative governance on the issue.

- Allows for the use of affidavits to substantiate employment history, presence in an affected area (downwind state), or work at a test site. Currently only miners can use affidavits. The Attorney General has 180 days from enactment to issue revised regulations of RECA in accordance with this act.
- Allows for the resubmission of previously denied claims—resubmission is allowed up to three times.
- Includes compensation for related attorney fees that fell between 2% to 10% of the amount of the awarded RECA claim.
- Authorizes \$3 million for 5 years for a grant program administered by the National Institute of Environmental Health Sciences. Program provides for research on the epidemiological impacts of uranium mining and milling among non-occupationally exposed individuals, including family members of uranium miners and millers. Grants are to be awarded to universities with priority given to institutes in the southwest.